

IN THE MATTER OF

JEREMY A. HERSCHLER, M.D.

Respondent

LICENSE NUMBER: D52458

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BEFORE THE

MARYLAND BOARD

OF PHYSICIANS

CASE NUMBER: 2005-0805

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**ORDER FOR SUMMARY SUSPENSION
OF LICENSE TO PRACTICE MEDICINE**

The Maryland Board of Physicians (the "Board") hereby SUMMARILY SUSPENDS the license of Jeremy A. Herschler, M.D. (the "Respondent") (D.O.B. 5/10/1963) license number D52458, to practice medicine in the State of Maryland.

The Board takes such action pursuant to its authority under Md. State Gov't. Code Ann. ("S.G.") § 10-226(c)(2) (2004 Repl. Vol.), concluding that the public health, safety or welfare imperatively requires emergency action. The Board bases its conclusion on the following investigative findings set forth below.

BACKGROUND

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in Maryland. The Respondent was originally licensed to practice medicine in Maryland on August 6, 1997, under license number D52458. The Respondent's current license will expire on September 30, 2006. The Respondent's primary practice area is psychiatry.

2. The Respondent currently practices psychiatry at the Thomas B. Finan Center ("Finan Center"), 10102 Country Club Road, SE, P.O. Box 1722, Cumberland, Maryland.

3. The Respondent has a history of mental health problems. His difficulties primarily manifested themselves after he was admitted to medical school in approximately 1987.

FINDINGS OF FACT

4. On or about April 28, 2005, the Board received a letter from the Department of Veteran Affairs ("VA"), disclosing that the Respondent's privileges to practice medicine within the VA Maryland Health Care System were summarily suspended on April 18, 2005. The VA reported that the Respondent had been absent without leave from his position with the VA for over two months. The VA expressed concern with the Respondent's psychiatric stability and ability to safely manage patients.

5. The Board opened the case for investigation. Investigation revealed the Respondent had left his position with the VA without notice and had engaged in a course of erratic behavior from approximately December 2004 to July 2005, culminating in multiple incidents with law enforcement and multiple involuntary inpatient stays at mental health facilities.

6. The Respondent's erratic behavior was first reported on or about December 17, 2004, when the police were called after the Respondent walked out of a restaurant in Baltimore, Maryland, without paying for the drinks and dinner he consumed.

7. On or about December 21, 2004, the police responded to a complaint from the Respondent's wife alleging that she had been sound asleep at the family residence in Maryland and the Respondent woke her up. The Respondent then asked her to leave the house. The Respondent's wife advised the police that the Respondent had not been taking his medications and had been acting strange.

8. On or about December 22, 2004, at approximately 4:00 a.m., the Respondent was observed in Florida by an officer of the Brevard County Sheriff's Office, walking his dog in the middle of the roadway. The Respondent's vehicle was parked in the middle of the roadway

with no lights on. The Respondent was unable to say why he was in Florida, was unable to complete a sentence, was shaking profusely, and could not stay on any one subject for any length of time. The Respondent did state he was looking for the person that named the White House the White House. He also explained that he was coming from Maryland and someone kept taking the gas out of his vehicle. The Respondent was taken to a local Florida hospital to be evaluated. He was admitted until December 24, 2004, and then released.

9. On or about December 28, 2004, the Respondent was observed driving in Florida in the emergency lane at approximately 120 miles per hour. Upon his arrest, the Respondent was unable to produce his wallet and had no identification. The Respondent was booked for reckless driving, failure to provide proof of insurance, failure to wear a seatbelt, and failure to carry/exhibit a driver's license. The Respondent was incarcerated and later transported and admitted to a Mental Health Center in Florida. He was released on or about January 21, 2005.

10. On or about January 24, 2005, the Respondent was back in Maryland. The Respondent was in a coffee shop, walked into a wall, and fell onto the ground. The Respondent lost consciousness for approximately one minute. The Respondent was transported to a local emergency room. The Respondent walked out of the emergency room without receiving treatment or notifying hospital personnel.

11. On or about January 26 2005, the Respondent left his home in Maryland and drove to California. On or about January 28, 2005, the Respondent's wife filed a missing person report with the police. The Respondent's wife informed the police that he was suffering from an unknown mental illness that had gotten worse over the past month. While in California, the Respondent was incarcerated for taking someone's car without permission.

12. On or about March 16, 2005, to on or about April 6, 2005, the Respondent was involuntarily admitted to a hospital in Baltimore, Maryland. The Respondent was certified to the inpatient psychiatric unit after becoming manic, engaging in dangerous behaviors, displaying paranoid delusions, and verbalizing threats to kill his wife. The Respondent was recommended for involuntary admittance to a psychiatric hospital for continued treatment.

13. The Respondent was transferred to a psychiatric hospital in Baltimore, Maryland, where he was involuntarily admitted from on or about April 6, 2005, to on or about April 13, 2005.

14. On or about April 23, 2005, the Respondent was observed by an officer of the Maryland Transportation Authority Police Department, playing his guitar in the Baltimore Washington International Airport (BWI) Terminal, Baltimore, Maryland. Upon being observed, the Respondent gathered his things and moved to another section of BWI and went to sleep on a bench. Upon being approached by an officer, the Respondent made numerous rambling outbursts concerning harming his wife, being homeless, and being placed into a mental institution. The Respondent was taken to a local hospital and later transferred to a psychiatric hospital.

15. Upon transfer, the Respondent was again involuntarily admitted to a psychiatric hospital from on or about April 24, 2005, to on or about May 25, 2005. The Respondent exhibited disorganized thoughts and paranoia. He was also initially adamant about not taking any medications. Upon discharge, the Respondent was to attend a day program at a psychiatric hospital and follow up with a psychiatrist for referral to a therapist.

16. On or about June 8, 2005, the Respondent drove up to the main gate of the Naval Surface Warfare Center in Indian Head, Maryland. The Respondent indicated he was lost and

asked the guard where he could get a beer. The guard informed the Respondent to pull the vehicle over and park near the visitor center. It was determined that the tags on the car the Respondent was driving were expired. The guard spoke to the Respondent then left to retrieve information from the Motor Vehicle Administration. Upon returning to the vehicle, the Respondent had abandoned the vehicle and was nowhere to be found. The interior of the vehicle was dirty and filled with clothes and personal effects and had the overall appearance that the Respondent had been living in the vehicle.

17. On or about June 9, 2005, the Respondent was observed in a local bank in Annapolis, Maryland, acting confused and agitated. An officer from the Anne Arundel County Police Department responded to the bank. Upon approach, the Respondent advised he was a doctor and was homeless. The officer observed that he made no sense and he was mumbling and gesturing to himself. The Respondent advised the officer that he had walked from Baltimore to Annapolis. The officer transported the Respondent to a local hospital.

18. The Respondent was later transferred and again involuntarily admitted to a psychiatric hospital, from June 9, 2005, to July 5, 2005. The Respondent was loose, disorganized, rambling, and grandiose with religious preoccupation. Non-compliance with his medications and treatment plan since his release from his prior psychiatric hospitalization in May 2005 was noted. There was also concern noted about the difficulty of the Respondent establishing an ongoing relationship with a psychiatrist based on his own belief that he is a superior clinician.

19. On or about June 28, 2005, the Respondent resigned from his position with the VA.

20. On or about August 24, 2005, the Respondent had an office visit with a psychiatrist.

21. Other than that visit, the Respondent is not currently under the treatment of a psychiatrist or other mental health provider.

22. On or about December 8, 2005, the Respondent was interviewed by Board Staff and admitted that he is currently working as an attending psychiatrist, is not currently under the treatment of a psychiatrist or other mental health professional, and is self-prescribing Risperidone. He also noted only one visit with a psychiatrist since his release from a psychiatric hospital in July 2005.

23. Pursuant to Md. Health Occ. Code Ann. ("H.O.") § 14-402(a) (2005 Repl. Vol.), the Board directed the Respondent to submit to a psychiatric evaluation. An independent psychiatric evaluation of the Respondent was conducted by a licensed psychiatrist. (Attached hereto and incorporated herein, *UNDER SEAL*, as Exhibit A). On approximately, February 2, 2006, the Board received the results of the evaluation. The evaluating psychiatrist opined the Respondent should not be allowed to practice medicine absent continuous, supervised treatment, including antipsychotic medication and individual therapy.

24. Based on the investigation:

- A. The Respondent has a serious mental disorder.
- B. The Respondent is currently not under the care of a psychiatrist or other mental health provider.
- C. The Respondent has a demonstrated lack of awareness about the severity of his illness.

D. The Respondent has a history of non-compliance with medication, self-prescribing, and a pattern of resistance to treatment.

25. On February 8, 2006, based on the above Investigative Findings, the Board voted to summarily suspend the Respondent's license to practice medicine.

26. Additionally, based on the above investigative facts, the Board also has probable cause to believe that the Respondent has violated H.O. § 14-404(a)(4). This provision provides as follows:

- (3) Is professionally, physically, or mentally incompetent.

CONCLUSIONS OF LAW

Based on the foregoing Investigative Findings, the Board concludes that the public health, safety, or welfare imperatively requires emergency action, and that pursuant to Md. State Gov't. Code Ann. § 10-226(c)(2), the Respondent's license must be immediately suspended.

ORDER

Based on the aforementioned Findings of Fact and Conclusions of Law;

IT IS THIS 14 day of February, 2006, by the Maryland Board of Physicians hereby:

ORDERED, that pursuant to the authority vested in the Board by Md. State Gov't. Code Ann. § 10-226, the Respondent's license to practice medicine in the State of Maryland be and is hereby **SUMMARILY SUSPENDED**; and it is further

ORDERED, that a post-deprivation hearing in accordance with Code Md. Regs. tit. 10, §32.02.05 B(7) C, D, and E will be held on **Wednesday, February 22, 2006, at 10:00 a.m.**, at the Maryland Board of Physicians, 4201 Patterson Avenue, Baltimore, Maryland 21215-0095; and it is further

ORDERED, that at the conclusion of the **SUMMARY SUSPENSION** hearing held before the Board, the Respondent, may request within ten days an evidentiary hearing, such hearing to be held within thirty days of the request, before an Administrative Law Judge at the Office of Administrative Hearings, Administrative Law Building, 11101 Gilroy Road, Hunt Valley, Maryland 21031-1301; and it is further

ORDERED, that on presentation of this Order, the Respondent **SHALL SURRENDER** to Board Staff the following items:

- (1) Original Maryland License D52458;
- (2) Current Renewal Certificate;
- (3) All prescription substances in his possession, other than substances that have been prescribed by a licensed physician for the Respondent;
- (4) All Medical Assistance prescription forms;
- (5) All prescription forms and pads in his possession; and
- (6) All prescription pads on which his name and DEA number are imprinted; and it is further

ORDERED, that the Respondent shall immediately **SURRENDER** to the Maryland Division of Drug Control, 4201 Patterson Avenue, Baltimore, Maryland, his Maryland Controlled Dangerous Substance Registration; and it is further

ORDERED, that the Respondent shall immediately **SURRENDER** to the Drug Enforcement Administration (DEA) his Federal DEA Certificate of Registration Number BH5682643; and it is further

ORDERED, that a copy of this Order for Summary Suspension shall be filed at the Board immediately in accordance with Md. Health Occ. Code Ann. § 14-407; and it is further

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ORDERED, that this is a Final Order of the Board and, as such, is a PUBLIC DOCUMENT pursuant to Md. State Gov't Code Ann. § 10-611 *et seq.*

February 14, 2006
Date

Margaret Anzalone
Margaret Anzalone
Deputy Director
Maryland Board of Physicians